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Attorneys for Defendant and
Counterclaimant MONOPRICE, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

KREATIVE POWER, LLC, a California limited
liability company,

Plaintiff and Counterdefendant,

v.

MONOPRICE, INC., a California corporation,

Defendant and Counterclaimant.

Civil Action No. 3:14-02991-SI

Judge Susan Illston

**DECLARATION OF JOHN B.
SGANGA IN SUPPORT OF
MONOPRICE, INC.'S
MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
OF MOTION FOR SANCTIONS
PURSUANT TO FED. R. CIV. P. 11**

Date: April 24, 2015

Time: 9:00 a.m.

Courtroom 10, 19th Floor

1 I, John B. Sganga, Jr., declare and state as follows:

2 I am a partner in the law firm of Knobbe, Martens, Olson & Bear, LLP, and I am
3 counsel of record for Monoprice, Inc. ("Monoprice") in this action. I submit this Declaration
4 in Support of Monoprice's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11. The
5 following statement is based on my personal knowledge.

6 1. On September 19, 2014, I conferred on the phone with Otto Lee, counsel for
7 Kreative Power, LLC ("Kreative"). I reiterated to Mr. Lee the noninfringement positions that
8 Monoprice had already set forth in its letters and further explained the reasons that Monoprice
9 does not infringe the asserted patents or any protectable Kreative copyright. Specifically, I
10 described why the accused product does not have circular conductors or a moveable cover
11 that is hingedly attached. I informed Mr. Lee that without these claimed features, it was not
12 reasonable for Kreative to contend that Monoprice infringed Kreative's utility patent.

13 2. During that same phone call, we discussed the significant issues with
14 Kreative's design patent infringement allegation. I also described Monoprice's position
15 concerning the differences between Kreative's claimed design and accused product's smooth,
16 conical shape. We further discussed that the asserted utility patent disclosed but did not claim
17 the conical shape used by the accused product. I explained that this dedication to the public
18 precludes Kreative from alleging that Monoprice infringed Kreative's design patent.

19 3. Attached hereto as Exhibit A is a true and correct copy of the April 8, 2014,
20 cease and desist letter from Kreative's counsel Otto O. Lee to Monoprice demanding that
21 Monoprice immediately cease selling the Monoprice Hub, due to alleged infringement of
22 Kreative's utility and design patents.

23 4. Attached hereto as Exhibit B is a true and correct copy of the April 29, 2014,
24 letter from Monoprice's counsel Linda H. Liu to Kreative's counsel outlining why Kreative's
25 patent infringement claims were not applicable to the Monoprice Hub.

26 5. Attached hereto as Exhibit C is a true and correct copy of the July 17, 2014,
27 letter from Monoprice's counsel John B. Sganga to Kreative's counsel detailing why all of
28

1 Kreative's claims were unfounded.

2 6. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent No.
3 7,112,097, entitled "Compact Electrical Power Outlet System" ("the '097 patent"), issued on
4 September 26, 2006.

5 7. Attached hereto as Exhibit E is a true and correct copy of U.S. Patent No.
6 D653,215, entitled "Surge Protector With USB Charging Port" ("the '215 patent"), issued on
7 January 31, 2012.

8 8. Attached hereto as Exhibit F is a true and correct copy of copyright
9 registration No. VA 0001908609, owned by Kreative.

10 9. Attached hereto as Exhibit G is a true and correct copy of the Merriam
11 Webster website's definition entry for the word "circular."

12 10. Attached hereto as Exhibit H is a true and correct copy of the file history for
13 the '097 patent that Kreative produced with its infringement contentions.

14 11. Attached hereto as Exhibit I is a true and correct copy of the file history for the
15 '215 patent that Kreative produced with its infringement contentions.

16 I declare under penalty of perjury under the laws of the United States of America that
17 the foregoing is true and correct.

18 Executed on November 13, 2014 in New York, New York.

19
20
21 s/John B. Sganga, Jr.
John B. Sganga, Jr.

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and I am employed in Irvine, California. I am over the age of 18 and not a party to the within action. My business address is 2040 Main St., 14th Floor, Irvine, California 92656. On November 13, 2014, I served the within **DECLARATION OF JOHN B. SGANGA, JR. IN SUPPORT OF MONOPRICE, INC.'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11** on the parties or their counsel shown below:

VIA ELECTRONIC MAIL:

Otto O. Lee
Kevin Viau
Bonnie J. Wolf
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Counsel For Plaintiff and Counterdefendant
Kreative Power, LLC

I certify and declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed on November 13, 2014, at New York, New York.

s/ John B. Sganga, Jr.
John B. Sganga, Jr.

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